

Appl. No. : **10/804,811**
Filed : **March 19, 2004**

REMARKS

This paper is responsive to the non-final Office Action issued on August 29, 2008. Applicants' representative would like to thank Examiner Dunham for the courtesy he extended during the telephone interview conducted on November 17, 2008.

By the foregoing amendments, independent claims 10, 15 and 38 are being amended along the lines discussed during the telephone interview. Applicants are also revising some of the dependent claims. No new matter is being added.

In view of the foregoing amendments, and for the following reasons, Applicants respectfully submit that the application is in condition for allowance.

I. The amendment to claim 38 overcomes the rejection under section 101.

Claims 38-44 stand rejected under 35 U.S.C. § 101. By the foregoing amendments, Applicants have added the following language to claim 38: "said data analyzer comprising executable code stored on a computer-readable medium." In view of this addition, Applicants request withdrawal of the rejection under section 101.

II. Each independent claim is patentably distinct from the applied references

Claims 10-14, 35, 37 and 38 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Gross (U.S. Pub. 2004/0260600). The remaining claims stand rejected under 35 U.S.C. § 103(a) over Gross in view of Walker (U.S. Pat. 6,049,778). Applicants respectfully submit that the applied references do not disclose, suggest, or render obvious all of the features of any independent claim, and that the art-based rejections are therefore improper.

For example, with respect to independent claim 10, Gross and Walker do not disclose, suggest, or render obvious the following feature in the context of the other recitations of the claim: "incorporating information pertaining to said scores into item detail pages of an electronic catalog that provides functionality for customers to browse and place orders for items, said information enabling customers to compare at least some of the items in terms of an extent to which such items have been ordered by customers who commonly order items promptly after they become available." In connection with this feature, the Office Action relies on Gross. As discussed during the interview, although Gross discloses the generation and use of trendsetter scores, Gross does not teach or suggest incorporating information pertaining to such scores into item detail pages as claimed.

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With respect to claim 15 as amended herein, Gross and Walker do not teach, suggest or render obvious the following feature in the context of the other recitations of the claim: “when a user accesses an item detail page for a first item of said items having the highest scores during browsing of an electronic catalog of items, outputting information to the user, via the item detail page, that reveals at least a range in which the first item’s score falls, said item detail page being specific to said first item and providing functionality for placing an order for the first item.”

With respect to claim 38, Gross and Walker do not teach, suggest or render obvious the following feature: “a subsystem operative to cause information pertaining to said scores to be included on at least some of the item detail pages of the electronic catalog to assist users in making item selection decisions, said information enabling users to compare items in terms of an extent to which the items have been purchased by early adopters of new items.”

In view of these and other features that are not taught or suggested, Applicants respectfully submit that the rejections under 35 U.S.C. §§ 102(e) and 103(a) are improper.

Additional distinctions over Gross and Walker are recited in the dependent claims. For example, as discussed during the interview, Gross and Walker do not teach or suggest the following feature recited in claim 13: “the included indication explicitly indicates a range into which the item’s score falls.”

III. Conclusion

In view of the foregoing, Applicants submit that the application is now in condition for allowance.

By focusing on specific claims and claim limitations in the discussion above, Applicants do not imply an agreement with the statements made in the Office Action regarding other claims and claim limitations. In addition, by amending the claims and pointing out distinctions over the references, Applicants are not conceding that previously pending claims are not patentable over the cited references. Rather, the amendments and remarks are being made to facilitate expeditious prosecution of this application. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the application’s disclosure. Accordingly, reviewers of this or any child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter.

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If any issues remain, the Examiner is invited to call Applicants' representative at his direct dial number listed below.

Please charge any additional fees that may be due, now or in the future, to deposit account 11-1410.

Respectfully submitted,

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